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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,295	03/01/2005	Masataka Yahagi	OGOSH27USA	6293
270	7590	10/09/2007	EXAMINER	
HOWSON AND HOWSON SUITE 210 501 OFFICE CENTER DRIVE FT WASHINGTON, PA 19034			KESSLER, CHRISTOPHER S	
			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,295

Applicant(s)

YAHAGI ET AL.

Examiner

Christopher Kessler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-16 is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Responsive to the amendment filed 12 July 2007, new claims 4-16 are added.

Claims 1 and 3-16 are currently under examination.

Status of Previous Rejections

2. The rejections of claims 1 and 3 still stands.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,799,080 issued to Duckworth (hereinafter "Duckworth").

Regarding claim 1, Duckworth is applied to the claim as stated in the previous Office Action.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duckworth, in view of "Sintering Furnaces and Atmospheres", ASM Handbook, vol. 7, pp. 453-467(hereinafter "ASM Handbook").

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Regarding claim 3, Duckworth in view of ASM Handbook are applied to the claim as stated in the previous Office Action.

Allowable Subject Matter

6. Claims 4-16 are allowed. The following is an examiner's statement of reasons for allowance: The Examiner finds that none of the prior art teaches an iron based sintered body that gains a rustproof function by addition of 0.01-5 at% indium as claimed in independent claim 4. Regarding independent claim 12, The Examiner finds that none of the prior art teaches a sintered body having iron as its principal component containing 0.01-5 at% indium to provide said sintered body with a rustproof outer surface as claimed. Regarding dependent claim 10, The Examiner finds that none of the prior art teaches wherein a body consisting essentially of iron and graphite is sintered in an atmosphere containing indium or indium vapor as claimed. Regarding dependent claim 11, The Examiner finds that none of the prior art teaches wherein a body consisting essentially of iron and graphite and metallic soap is sintered in an atmosphere containing indium or indium vapor as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

7. Applicant's arguments with respect to claim 1 filed 12 July 2007 have been fully considered but they are not persuasive. Applicant argues that the sintered body of Duckworth requires lead. The Examiner agrees that Duckworth requires lead. However, the sintered body of Duckworth quite clearly meets the limitations of the claims of "an iron-based sintered body" as thus reads on the claims.

Applicant argues that the sintered bearing of Duckworth does not have a rustproof function. However, the application of a bearing lining would be understood to provide some amount of protection from corrosion inherently. Further, the lining would necessarily be at the surface of the bearing, since the lining could not be applied in the bulk of the sintered body, nor would the lining have any use if applied to the bulk of the sintered body.

Applicant stated that Duckworth nor ASM Handbook teaches wherein the sintering atmosphere contain indium vapor or indium. The Examiner clarifies the point: when a solid body containing indium is sintered in an atmosphere, said atmosphere necessarily contains indium, as the body is contained in the atmosphere. Applicant is

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once again directed to MPEP 2111. The examiner agrees that the method of sintering in an atmosphere wherein indium vapor or indium suboxide is added to obtain a rustproof effect is not taught by Duckworth and ASM Handbook, however such a feature is not claimed in claim 3.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Kessler whose telephone number is (571) 272-6510. The examiner can normally be reached on Mon-Fri, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

csk


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